



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 19185

PERMIT 12425

LICENSE 7817

THIS IS TO CERTIFY, That

Antone J. Marty and Aileen M. Marty
1999 13th Avenue
Sacramento, California

Notice of Change (Over)

have made proof as of September 21, 1965,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
2 unnamed streams in Placer County

tributary to Orr Creek thence Coon Creek

for the purpose of irrigation and stockwatering uses
under Permit 12425 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from January 18, 1960,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed fifty (50) acre-feet per
annum to be collected from about December 1 of each year to about April 1 of the
succeeding year as follows:

Reservoir (A) 35 acre-feet

Reservoir (B) 15 acre-feet

The maximum withdrawal in any one year under this right has been 33 acre-feet
from reservoir A.

The point ~~S~~ of diversion of such water are located:

- (A) South five hundred (500) feet and west three hundred (300) feet from NE corner of Section 14, T13N, R8E, MDB&M, being within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of said Section 14.
- (B) South one thousand eight hundred (1800) feet and east one thousand seven hundred (1700) feet from NW corner of Section 13, T13N, R8E, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 13.

A description of the lands or the place where such water is put to beneficial use is as follows:

Stockwatering at reservoirs within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13, T13N, R8E, MDB&M, and irrigation of:

10 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T13N, R8E, MDB&M.
10 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T13N, R8E, MDB&M.
15 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 14, T13N, R8E, MDB&M.
35 acres total

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUG 3 1966



L. K. Hill
L. K. Hill
Executive Officer

4/21/69 RECEIVED NOTICE OF ASSIGNMENT TO *Margaret A. Harvey & Harvey T. Granger, Trustees*
T. P. Harvey Trusts, No 1 & No 2
5/2/69 Records filed to show owners as *Harvey Trust*
1 & 2
3-12-85 asgd to *Jerry Johnson*

LICENSE 7817
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO Antone J. Marty and
Aileen M. Marty

DATED AUG 3 1966

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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 19185 Permit 12425 License 7817

**ORDER AMENDING THE LICENSE BY ADDING MONITORING TERM,
ENDANGERED SPECIES TERM, AND REMOVING RESERVOIR B**

WHEREAS:

1. License 7817 was issued to Antone J. and Aileen M. Marty on August 3, 1966, pursuant to Application 19185 and was recorded with the Placer County Recorder on August 12, 1966, in Book 1123, Page 136.
2. License 7817 was subsequently assigned to T.P. Harvey Trusts # 1 & 2 on April 9, 1969.
3. License 7817 was subsequently assigned to Jerry Johnson on March 12, 1985.
4. On November 7, 1997, a complaint was filed against Licensee by a downstream neighbor, Mr. Kim Gastman, alleging unauthorized diversion.
5. Investigation by staff of the Division of Water Rights (Division) on March 24, 1999, has revealed that the current state of the project is as follows:
 - Licensee now irrigates a net of 97 acres within a gross area of 220 acres which includes the original 35 acre place of use authorized under License 7817.
 - Licensee purchases water from Placer County Water Agency to supply all water needs over and above those authorized under License 7817.
 - Licensee has enlarged one of the reservoirs authorized under License 7817 from 35 acre-feet to 64 acre-feet.
 - Licensee uses purchased water to fill the enlarged reservoir.
 - Licensee has no means to ensure that unauthorized diversion of water is not taking place.
 - Licensee has removed the 15 acre-feet capacity stockpond authorized under License 7817.
6. The State Water Resources Control Board (SWRCB) has determined that in order to eliminate the threat of unauthorized diversions under License 7817, additional terms and conditions to License 7817 are necessary.
7. By certified letter dated April 22, 1999, the Division proposed additional terms to the license to ensure that unauthorized diversion does not take place, and the licensee was given 30 days in which to object to the proposed amendments to License 7817 which are specified by this Order.
8. Licensee did not object to proposed amendments to License 7817 within the specified time.

9. The SWRCB will also add a license term to prevent any act which results in the taking of a threatened or endangered species that may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 1031 is amended to include the following terms to ensure that unauthorized diversion of water does not take place:

Licensee shall prepare and submit a monitoring plan to the Division of Water Rights within 60 days of the issuance of an order adding this term to License 7817. This plan shall identify all monitoring equipment to be installed and the accounting procedures to be utilized to identify all water collected to storage and utilized under this license as well as the disposition of all water purchased from the Placer County Water Agency.

Licensee shall make any changes to the plan deemed necessary by the Chief of the Division of Water Rights unless a hearing is requested before the State Water Resources Control Board within 30 days of notification by the Chief of the Division of Water Rights that such changes are required. If a hearing is requested, the State Water Resources Control Board will decide whether to hold a hearing based on the information provided by the licensee and the Division of Water Rights. If the State Water Resources Control Board decides not to hold a hearing, the licensee shall make the changes deemed necessary by the Chief of the Division of Water Rights.

Licensee shall fully implement the monitoring plan as approved by the Chief of the Division of Water Rights within a reasonable time specified by the Division of Water Rights and continue the monitoring program until written permission is obtained from the Chief of the Division of Water Rights to discontinue the program. All monitoring equipment shall be kept in good operating condition and monitoring records shall be maintained by the licensee and made available upon a request of the Division of Water Rights. Changes to the approved monitoring plan shall be made only after obtaining written approval from the Chief of the Division of Water Rights.

(0490999)

Order
Application 19185 Permit 12425 License 7817

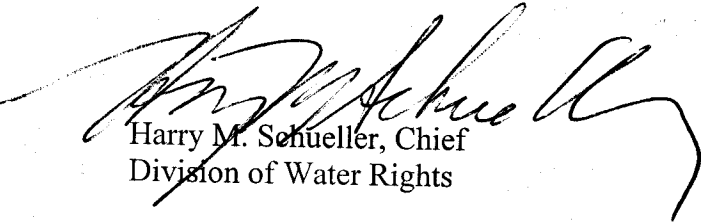
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2. License 7817 is amended to include the following term to prevent the taking of any threatened or endangered species listed under the federal Endangered Species Act and/or the California Endangered Species Act.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Section 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

3. License 7817 is amended to remove all reference to Reservoir (B) including identification of point of diversion (B) as well as reducing the total authorized diversion to storage from 50 acre-feet per annum to 35 acre-feet per annum.

Dated: **JUL 12 1999**


Harry M. Schueller, Chief
Division of Water Rights